

"apply the appropriate parts of the certified assessment to the private passenger auto and commercial auto divisions of the Insufficiency Assessment Reserve Fund" is substituted for the former references to the "pay[ment of] the certified assessment into the respective insufficiency assessment reserve fund" and the "deposit of the annual assessment payments into the respective insufficiency assessment reserve fund", in light of the fact that only one Insufficiency Assessment Reserve Fund exists. Assessments for commercial auto loss and private passenger auto loss are accounted for separately within the Insufficiency Assessment Reserve Fund.

Defined terms: "Association member" § 20-101

"Board of Directors" § 20-101

"Commissioner" § 1-101

"Fund" § 20-101

"Motor vehicle liability insurance" § 20-101

"Physical damage insurance" § 20-101

"Policy" § 1-101

"Premium" § 1-101

#### 20-406. IMPOSITION OF ASSESSMENT SURCHARGES.

##### (A) IN GENERAL.

(1) THE COMMISSIONER PROMPTLY SHALL REVIEW THE ASSESSMENT ALLOCATION PERCENTAGES CALCULATED BY THE ASSOCIATION.

(2) UNLESS THE COMMISSIONER FINDS THE CALCULATION TO BE INACCURATE, THE COMMISSIONER SHALL AUTHORIZE EACH ASSOCIATION MEMBER TO IMPOSE AN ASSESSMENT SURCHARGE ON EACH POLICY OF MOTOR VEHICLE LIABILITY INSURANCE OR PHYSICAL DAMAGE INSURANCE THAT IS WRITTEN OR RENEWED IN THE STATE DURING THE 1-YEAR PERIOD BEGINNING ON THE NEXT JULY 1 FOLLOWING NOTICE OF THE ASSESSMENT.

(3) SUBJECT TO § 20-407 OF THIS SUBTITLE, THE ASSESSMENT SURCHARGE SHALL BE CALCULATED BY APPLYING THE APPROPRIATE ASSESSMENT ALLOCATION PERCENTAGE THAT IS ADJUSTED FOR ANY EXCESS OR SHORTFALL TO THE PREMIUM AT THE INCEPTION OR RENEWAL OF THE POLICY.

(4) THE ASSESSMENT SURCHARGE MAY NOT BE:

(I) SUBJECT TO CHANGE OR REFUND; OR

(II) CONSIDERED PREMIUM INCOME FOR THE STATE PREMIUM TAX OR THE PAYMENT OF COMMISSIONS.

##### (B) POLICYHOLDERS OF FUND.

(1) IN CONFORMITY WITH §§ 20-405 THROUGH 20-409 OF THIS SUBTITLE, EACH YEAR THE FUND SHALL IMPOSE AN ASSESSMENT SURCHARGE ON ALL OF ITS POLICYHOLDERS AS IF THE FUND WERE A MEMBER OF THE ASSOCIATION.